

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

**Regular Second Appeal No. 2104 of 2007**

**Date of Decision:- July 26, 2007.**

Jagir Singh

.....Appellant.

vs.

Gurdev Singh

.....Respondent.

**CORAM:- HON'BLE MR. JUSTICE RAJESH BINDAL**

Present: - Mr. Sandeep Khunger, Advocate  
for the appellant.

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This is defendant's second appeal against the concurrent findings of fact by both the Courts below in a suit for possession by way of specific performance.

Both the Courts below found that the appellant having entered into an agreement to sell his land for a sum of Rs. 1,85,000/- and having received substantial amount of Rs. 1,50,000/- at the time of agreement, as earnest money, was bound to execute the sale deed at the time mentioned in the agreement to sell. However, in spite of the fact that the respondent-plaintiff was ready and willing to get the sale deed executed, the appellant did not perform his part of the duty. Even notice issued by the respondent-plaintiff to the appellant-defendant was also not replied. On consideration of the entire evidence on record, both the Courts below came to the conclusion that the respondent-plaintiff was entitled to the decree of possession by way of specific performance.

Accordingly, concurring with the views expressed by both the Courts below, I do not find any merit in the appeal and the same is dismissed.

(RAJESH BINDAL)  
JUDGE

July 26, 2007  
RS/preeti